

ROCKY HILL PLANNING BOARD
Minutes of the April 13, 2004 Meeting

Present: Bristol, Cann, Harris, Hasser, Hayden, Muser, Nolan, Whitlock, Yuchmow

Absent: Baralt, Roshetar

Also present: G. Muller and K. Philip

Statement Of Adequate Notice

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place and agenda was mailed to the news media, posted on the Municipal bulletin board and filed with the Municipal Clerk. The meeting was called to order at 7:35 p.m.

Approval of Minutes:

January 13, 2004 (closed session): Motion was made by J. Muser and J. Yuchmow seconded the motion to approve the minutes of January 13, 2004 as amended. The vote was 8-0 in favor of those eligible to vote. MOTION CARRIED.

March 9, 2004: Postponed until next meeting.

March 22, 2004: Motion was made by B. Nolan and C. Cann seconded the motion to approve the minutes from March 22, 2004 as amended. The vote was 7-0 in favor. MOTION CARRIED.

Chairperson's Announcements: S. Bristol stated that she attended the Somerset County Chairman's Breakfast and participation of the Cross Acceptance/Smart Growth process was requested. S. Bristol advised that she signed up as a participant in this process. She then announced that the Schafer tract discussion has been withdrawn from the agenda.

Open Public Comment Period: - There were no comments from the public. Motion was made by P. Harris and C. Cann seconded the motion to close the public portion. The vote was 9-0 in favor. MOTION CARRIED.

APPLICATION

OMNIPOINT WIRELESS COMMUNICATIONS

Minor Site Plan with "c" and "d" variances

Wireless communication antennae and equipment facility at Water Tower, Young Drive

Christopher Schubert, Esq., appeared as legal counsel on behalf of the applicant. Mr. Schubert stated the applicant Omnipoint Communications is the provider for T-Mobil telecommunication services. Mr. Schubert advised that there are three antennas on the catwalk of the water tower. The applicant is proposing to add more antennas and install two utility cabinets and a battery cabinet at the base of the unit. Mr. Schubert stated that they are removing the existing three antennas and replacing them with twelve new antennas for complete 360° coverage. Gerald Muller, Esq., Board attorney, then detailed the relief being sought as a use variance/site plan with variances for height and setback. Mr. Schubert handed the board exhibit packets labeled Exhibit A-1 through A-8.

B. Nolan and P. Harris stepped down from the application, as they are ineligible to participate in use variance applications. Bert Lesley, radio frequency expert for the applicant, was sworn in and stated that he is designing a network in this area and his responsibility includes interfacing between the design engineers and the Planning or Zoning Board during the review process.

Mr. Schubert identified the FCC radio frequency license (Exhibit A-4) and stated that they are required to follow FCC rules and regulations. Mr. Lesley stated that an analysis of the anticipated capacity had been taken, and patterns show that additional capacity is necessary in order to develop their network in this area. Without the upgrade, service in the area will be affected, and they will not be able to provide reliable service which goes against FCC guidelines. They could be fined or lose their license in the New York market. Mr. Lesley stated that the upgrade should meet the needs of the community for the next five to 12 years. Mr. Schubert stated that the antennae center line is 83 feet. Mr. Schubert then referred to Exhibit A-5 and identified an error in one of the tables on page #3. The configuration analysis summary table should read 83 feet as the height, not 135 feet. Mr. Schubert stated that the location is considered a controlled environment since the public is not permitted to access the antennas. Mr. Schubert stated that they have entered into a lease agreement with the municipality. Mr. Lesley stated that Omnipoint will be operating many times below the acceptable limit as determined by the FCC. He then presented Exhibit A-9 (propagation map with an overlay of anticipated coverage) and stated that the map shows the coverage and capacity of the areas that the signal reaches. They are not increasing the power, just the signal coverage. G. Muller questioned anticipated updates in their technology, and Mr. Lesley stated that the antennas proposed are digital systems, although a newer system may come along in the near future.

Mr. Hayden asked about the negatives associated with this type of technology, and Mr. Lesley stated that the only negative would be the emission of EMF's (electronic magnetic fields). The strength of the radio frequency reaches out 1.5 miles. He stated that the strength is considered low power and compared this to radio transmissions, which cover a greater distance. He summarized by stating that the power generated from a cell phone is much greater than an antennae. Mr. Lesley stated that the maintenance of the tower will be done by a cell site technician. If maintenance to the antennas are scheduled, an RF badge must be obtained, and all other providers on the tower must be advised.

Marc Parette, architect for the applicant, was sworn in and presented sheet A-1 (Exhibit A-6) and stated that an initial site visit had been arranged prior to the determination of the structural design. He stated that separation of the antennas vertically and horizontally is mandatory for adequate coverage. Mr. Parette then presented the elevation plan (Sheet A-5) and stated that the antennas are proposed around the catwalk of the tower at a height of 80 feet. The specific location of the antennas will be determined in the field. Twelve (12) antennas in three groups of four are proposed, and this is detailed on Sheet A-5. The overall height of the antennas from the ground level will be 87 feet 6 inches. The antennas are proposed to be bolted to the catwalk, this approach is preferred because the antennas could be maintained or removed easily. Mr. Parette then presented Sheet A-4 (equipment plan) and stated that the compound is expanding slightly and the fencing

around the compound will be adjusted for this expansion. He stated that they received permission from the owner to do this expansion.

Mr. Schubert referred to Sheet A-3 and described the zoning requirements. He stated that no further increases to variances previously granted by this Board will occur. The structural integrity of the tower to support the antennas should not be a concern unless the tank has not been properly maintained. S. Bristol asked if a 911 system is being accommodated, Mr. Lesley stated that a small location device near the radio cabinets has been installed to help triangulate coordinates. Mr. Lesley concluded by stating that Sheet A-5 requires revision with the corrected coaxial data.

P. Hayden asked if the applicant completed a cultural resource analysis as required in Section 106. Mr. Parette stated that the analysis may have been included in their first application. S. Bristol stated that there is no reference to this analysis, and it is very important to obtain this since it is an historic area. Mr. Schubert stated that the applicant is willing to work with the Borough Engineer on this matter. Mr. Hayden asked if the location is the best option to provide coverage and what efforts are being made to block the view of the antennas. Mr. Schubert stated that the water tower is the best location for the needed coverage. Mr. Parette stated that they have not considered any type of camouflage of the antennas.

David Karlebach, planner for the applicant, was sworn in and stated that he did an analysis to determine if the variances requested are justified. He presented Exhibit A-10 consisting of 10 photographs of the existing site and a computerized rendering of the site after antennae installation. He stated that the visual impact would be inconsequential. The new antennas will be painted and treated after they are bolted to the catwalk. He recommended that the cables also be painted. Mr. Karlebach stated that the zone is residential. This use is not permitted in the zone therefore, a use variance is required. He then noted that there is a real need for improved wireless communications in this area. At this time, wireless phone use has exceeded the use of phones in homes. The tower already serves four carriers and, since the site is already developed, the applicant feels that this is the logical location for the installation. Mr. Karlebach stated that there are no detrimental impacts from this installation since service to the site occurs every 4 to 6 weeks and there would be no traffic impact. He stated that he is unsure if this proposal had been submitted to the Historic Preservation office but they will do this if it is required. S. Bristol asked if there would be any remaining space on the catwalk for another provider if this project is approved. Mr. Lesley stated that there would be no room for another provider.

Brian Nolan, Mayor, was sworn in and stated that there have been numerous discussions about collocation on the tower. AT&T has advised that they will be coming before the Board in the near future with plans for improving their service.

P. Hayden stated that the Historic Preservation office encourages antennas to be flush and painted. He asked why the antennas can not be mounted to the tank. Mr. Parette stated that this is to prevent people from walking in front of the antennas. In addition, if the antennae is on the tank, this would cause an interference with other providers antennas on the structure. In addition, it could cause damage to the tank.

The meeting was then opened to the public.

Brian Nolan, Mayor, stated that it is the desire of the Borough to not have the antennas on the tank but along the catwalk. He stated that one resident has approached Council about a claim that she has been affected by the EMFs from this site. She claims that the EMFs cause her hair to rise on top of her head. Mr. Lesley stated that there is not enough energy generated for this effect. Mayor Nolan then asked for the anticipated timeline of installation.

John Herriott, site acquisition specialist for the applicant, was sworn in and stated that once zoning approval is received, they anticipate installation to occur in approximately six months.

Larry Raffaeli, Zoning Officer, was sworn in and stated that there are many outstanding items which need to be addressed. He intended to prepare a report but the applicant asked that this proposal be placed on a Planning Board agenda right away. Mr. Raffaeli then advised that the following information had been requested but not provided:

- Data is missing from the drawings relating to the layout of the connections and the coax connection.
- The method of mounting cable must be detailed.
- Details of the catwalk connection must be provided.
- Who will be responsible to maintain the painting of the cable and antennas. The applicant indicated that they will maintain the painting of the cables and antennas. Mr. Raffaeli recommended this be included in the conditions of approval.
- The utility pole and running of electric lines from pole to cabinet must be shown on the plans.
- Documentation about the project director/contact person for building permits must be provided.
- Additional shrubbery was recommended to camouflage the cabinets and fencing. The Pine trees planted to buffer the view were not properly maintained and some trees did not survive.
- The layout of the antennas must be identified and Sheet A-4 should provide this detail.

Mr. Raffaeli stated that a report from the municipal engineer is needed to confirm that the plans had been reviewed. S. Bristol stated that the existing landscaping is not shown on the plans and the revised plans should indicate this. Mr. Schubert stated that they are willing to replace any dead Pine trees, they are also willing to provide a landscape plan screening this facility from the adjacent property. The Zoning Officer then suggested that the Board require review and approval of the landscaping by the Borough's landscape architectural consultant.

A motion was made by R. Whitlock and seconded by J. Hasser to close the public portion of the meeting. The vote was 7-0 in favor. MOTION CARRIED.

A motion was made by R. Whitlock and J. Yuckmow seconded the motion to approve the application with the following conditions:

1. The engineering plans are subject to review and approval by the Borough Engineer.
2. Both the antennas and cables are to be painted to match the existing tank.
3. Restoration of the landscape buffer is needed on the southern property line adjacent to the residential use. The applicant was instructed to meet with the Borough's landscape architectural consultant and install the consultant's recommended plantings.
4. Detail of the coaxial connections must be reviewed and approved by the Zoning Officer.
5. The location of all proposed antennas must be provided on a revised plan and submitted to the Borough Engineer for his review and approval.
6. Section 106 approval confirmation should be provided to the Planning office.
7. Performance and maintenance bonds must be posted.

The vote was 7-0 in favor of the approval. MOTION CARRIED.

Approved: Bristol, Cann, Hasser, Hayden, Muser, Whitlock, Yuchmow

Objections: None

Abstentions: None

At this point, B. Nolan and P. Harris joined the meeting.

DISCUSSION

Review of Ordinance No. 04-08: Rezoning of Schafer Tract, Princeton Avenue

Upon referral from Borough Council:

During the Chairperson's Announcements, S. Bristol had announced that this discussion item has been postponed.

A motion was made by R. Whitlock and B. Nolan seconded the motion to adjourn at 10:10 p.m.. The vote was unanimous. MOTION CARRIED.

Respectfully submitted,

Kerry A. Philip
Recording Secretary